

1           (3) A railroad company is a party aggrieved for the purpose of appealing  
2           any permitting decision by the inspection department with jurisdiction  
3           over the site of the work or activity that is inconsistent with the  
4           railroad company's property rights or its right to use the property for  
5           railroad purposes.

6           (4) The applicant shall provide directly to the inspection department with  
7           jurisdiction over the site of the work or activity the written consent of  
8           the railroad obtained under this subsection. Receipt by the inspection  
9           department from the applicant of either of the following may be relied  
10          upon in all respects by the inspection department in determining  
11          whether to issue the permit in accordance with the subsection, and the  
12          inspection department shall have no liability whatsoever resulting from  
13          its reliance thereon:

14                a. a copy of the railroad's written consent obtained under  
15                this subsection; or

16                b. a certification that that no consent of a railroad is  
17                required under this subsection because the permit  
18                sought does not fall within a railroad corridor according  
19                to railroad maps filed pursuant to G.S. 136-199. The  
20                certification provided under this subsection shall be  
21                signed by the applicant under penalty of perjury.

22           (5) Nothing herein shall be construed to alter or affect the existing  
23           property rights of the railroad."

24           **SECTION 19.** This act becomes effective on October 1, 2010. Sections 9,  
25   10, 11, 12, 14, 15, 16, 17, and 18 of this act apply to actions taken by city, or county  
26   entities on or after October 1, 2010.